

ROLL CALL

Rose Ann Barrick
Harry Baumgartner, Jr.
Tyson Brooks
Ryan Crismore
Jerry Petzel

Michael Lautzenheiser, Jr., Secretary

The Board of Zoning Appeals meeting, August 28, 2018, was called to order by President, Jerry Petzel at 7:00 p.m. Roll call was answered by all five members. Michael Lautzenheiser, Jr. introduced the new board member, Ryan Crismore, who is replacing Jim Schwarzkopf.

APPROVAL OF MINUTES:

Rose Ann Barrick offered a motion to approve the minutes with changes from the July 24, 2018, meeting and Harry Baumgartner, Jr. seconded the motion; minutes were approved 5-0.

OLD ITEMS:

NEW ITEM:

B18-08-13 HARRISION TWP., SW/4 10-26N-12E Phillip & Tina Baumgartner request a variance to increase the height allowance from 20' to 28' for a 2-story garage. The property is located at 1640 S 350 E, Bluffton, IN 46714. Property is zoned R-1.

Joel Hoehn, Stody & Associates, represented the petition. He handed out an elevation survey to the board members. He talked about the details of the garage and the reason for the height variance. He explained that the home is 30' in total height. Michael Lautzenheiser, Jr. asked if the cupola was included in height total. Mr. Hoehn said that it was just the peak of the roof. Mr. Lautzenheiser, Jr. said that it would need to be included. He suggested adding 5' to be safe. Mr. Hoehn explained that the home owners are have a new septic installed as well. The board discussed location of the project on the property and 2nd floor use of the garage. Jerry Petzel asked for public comment or questions. There were none.

Condition: Not to exceed 33' in total height.

Motion to Approve: Rose Ann Barrick

Second: Harry Baumgartner, Jr.

Vote: 5-0

B18-08-14 LANCASTER TWP., SE/4 27-27N-12E Herbert & Laura Bergman III request a variance to reduce the side yard setback from 8' to 1' for a pavilion. The property is located at 1546 Wexford Ct, Bluffton, IN 46714. Property is zoned R-3.

Herb Bergman represented the petition. Tyson Brooks asked for a run-down on the need for a variance. Mr. Bergman explained that he assumed where the property line was and he was wrong. Rose Ann Barrick asked if the slab was pre-existing. Mr. Bergman said that the slab had been there and wasn't being use to they decided to cover it. Mrs. Barrick asked if there were any easements on the property. Michael Lautzenheiser, Jr. said that the next lot of is under the protection of wildlife reservation. Mr. Brooks asked if there would be any future modifications to the structure. Mr. Bergman said that just trim work was needed and that the association

doesn't allow out buildings only open air structures. Mr. Lautzenheiser, Jr. confirmed that pergolas and covered patios are allowed. Mrs. Barrick asked if there were any objections to the petition. There were none. Jerry Petzel asked if there was anyone from the public with comments or questions. There were none.

Condition: Always remain an open air structure.

Motion to Approve: Tyson Brooks

Second: Ryan Crismore

Vote: 5-0

B18-08-16 LANCASTER TWP., SE/4 20-27N-12E Charles & Cynthia Petty request a variance to allow a business in an accessory structure. The property is located at 1551 SE SR 116, Bluffton, IN 46714. Property is zoned S-1.

Cynthia Petty represented the petition. Michael Lautzenheiser, Jr. explained the request behind the petition. He talked about how it was a home business and since it's not Ag related that a home business can't be located in an accessory building. Mrs. Petty explained that the previous owners use to hold a warehouse business there and that she is asking for the variance to allow the building to be used as a business again. Tyson Brooks asked the type of business. Mrs. Petty said that it would be a yoga studio. Rose Ann Barrick asked if there would be a bathroom added. Mrs. Petty explained that one bathroom in the home would be used for the business. The board discussed layout of the building and parking with Mrs. Petty. Mrs. Barrick asked if there were any concerns from neighbors. There were none. Jerry Petzel asked if there were any comment or questions from the public. There were none.

Condition:

Motion to Approve: Ryan Crismore

Second: Harry Baumgartner, Jr.

Vote: 5-0

B18-08-15 JEFFERSON TWP., NW/4 15-28N-12E Millside Addition Easement Violations (7 properties) requests an appeal of violations V2018-017 thru V2018-019 and V2018-021 thru V2018-024 they in regards to the seven (7) properties with items located in the platted easements.

Michael Lautzenheiser, Jr. explained the violations that the office received regarding the easement encroachment. He said that all but one location was a fence located in easement with exception of one being trees/shrubs. He explained that once the violation letters were sent that the office got mixed answers due to what property owners were told at the time. Each property owner was present that participated in the appeal process. Each property owner explained their case for the appeal. After property owners voiced their concern, Lu Ann Martin – Ossian Town Manager, talked about the violations. Mr. Lautzenheiser, Jr. mentioned the upcoming ordinance amendments that would put these types of violations back to the towns to handle. After further discussion on proposed changes, it was decided to continue until the new ordinance is in effect.

Condition:

Motion to Continue to February 2019 Meeting: Rose Ann Barrick

Second: Tyson Brooks

Vote: 5-0

OTHER BUSINESS:

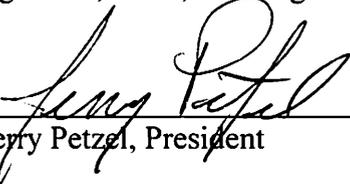
Michael Lautzenheiser talked about upcoming ordinance changes that are to be presented.

ADVISORY:

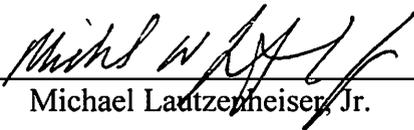
The board was informed of the September 25, 2018 meeting.

DIRECTOR COMMENTS:

Rose Ann Barrick made a motion to adjourn the meeting. Tyson Brooks seconded the motion and the motion passed with a vote of 5-0. The August 28, 2018, meeting of the Board of Zoning Appeals adjourned at 8:48 pm.



Jerry Petzel, President

ATTEST: 

Michael Lautzenheiser, Jr.